

RECORD OF PROCEEDINGS
COLORADO STATE BOARD OF VETERINARY MEDICINE

PUBLIC MINUTES
April 14, 2011

Notice of this meeting was published at www.dora.state.co.us/veterinarians/publicnotices.htm, at least 7 days in advance of the meeting date.

I. CONVENE

The Open Session of the meeting for the Colorado State Board of Veterinary Medicine was convened at One Civic Center Plaza, 1560 Broadway, Suite 1250 C, Denver, Colorado 80202 at 8:49 a.m. by Michael Gotchey, DVM, President.

Board Members Present

Michael Gotchey, DVM, President
Richard Leone, DVM, Vice-President
Joni Edwards, DVM, Secretary
Kim Stone, DVM
Kristin Woestehoff, DVM
Stacy Worthington, Public Member

Staff

Maulid Miskell, Program Director
Leanne Clasen, Program Manager
Paul S. Wilson, Program Specialist
Rita Quinn, Assistant Attorney General
Abigail Gaskins, Compliance Monitor
John Steele, Office of Expedited Settlement
Les Roberts, Office of Investigations
Martha Mesch, Office of Investigations

II. REPORTS

Report from the Program Director, Maulid Miskell.

Mr. Miskell gave an update on the Sunset bill, SB 11-091.

Mr. Miskell reminded those in attendance that there is to be no discussion or input from the public during case discussions, and reminded the Board Members of the confidential nature of letters of concern or any other potential disciplinary matter referred to Executive Session.

He also informed the Board that Dr. Gotchey will finish his second term as Board President on June 30, 2011, but that he could continue serving until a replacement was approved and that Dr. Kim Stone will be eligible to be reappointed as a Member of the Board on the completion of his term on June 30, 2011.

He apologized for the late additions to the agenda.

Report from the Assistant Attorney General, Rita Quinn

Ms. Quinn reminded the Board that because of the confidentiality of veterinary records the given names of pets and animals should not be mentioned in Open Session.

III. OPEN FORUM

Ralph Johnson presented the Board with his summary of the Sunset review legislation. He expressed CVMA's support of the Peer Assistance Program. He also invited Program Director Mo Miskell to the CVMA's "Big Ideas" forum on April 30 to participate in a panel discussion.

Several veterinarians – including Rob Silver, DVM, Janice Facinelli, DVM, Jean Hofve, DVM, Holly Foster, DVM, and Jim Friedly, DVM – voiced their concerns over perceived changes in the continuing education approval process for complementary and alternative veterinary medicine of the Registry of Approved Continuing Education (RACE) Committee of the American Association of Veterinary State Boards (AASVB). Narda Robinson, DVM, also present, and a consultant for

the RACE Committee, expressed her views. Program Director Mo Miskel thanked all for their input and Board President Michael Gotchey, DVM, said that he and fellow delegates to the AASVB Annual Convention in September would seek to clarify the process with representatives of the RACE Committee.

IV. CONTINUING EDUCATION

Continuing Education – Joni Edwards, DVM, Board Secretary

The bi-monthly requests were reviewed in advance by Dr. Edwards. A motion was made, seconded, and carried to approve all continuing education requests as submitted with the exception of the following requests:

A motion was made, seconded, and carried to table the 16 hours requested by Courtney Diehl, DVM for review by the entire Board.

A motion was made, seconded, and carried to approve 7 hours of the 8 requested by Teena Barnett on behalf of Pfizer Animal Health for the Equine Podiatry CE offering.

Tabled CE approval requests from Chi Institute of Chinese Medicine

A motion was made, seconded, and carried to deny these requests.

RACE and Complementary and Alternative Veterinary Medicine

Program Director Mo Miskell stated that he will be attending the annual convention of the AASVB and will ask the executive director why the RACE CE denial process is confidential, how rejected applicants are informed of their denial, and how much time is required for application processing.

V. LICENSING

Memorandum regarding newly licensed Veterinarians. (Consent Item)

A motion was made, seconded, and carried to approve all newly licensed Veterinarians either by exam or endorsement.

Yes application of Rachel Nichols, DVM

After careful consideration of the information provided, a motion was made, seconded, and carried to refer to Executive Session for potential disciplinary action. Upon returning to Open Session a motion was made, seconded, and carried to table the application pending further information.

Yes application Jonathan Congdon, DVM

A motion was made, seconded, and carried to approve reinstatement and to initiate a complaint for practicing on an expired license.

Reinstatement Application of Amy Miller, DVM

A motion was made, seconded, and carried to approve reinstatement.

VI. OFFICE OF INVESTIGATIONS

Heather Steyn, DVM # 7396

Case #2010-004616

After careful consideration of the information provided, a motion was made, seconded, and carried to dismiss the case as being without merit. Dr. Edwards abstained from the vote.

Mark Henderson, Unlicensed

Case #2011-000829

After careful consideration of the information provided, a motion was made, seconded, and carried to issue a Cease and Desist order to Mr. Henderson for the unlicensed practice of veterinary medicine.

Douglas Ikeler, DVM # 4942

Case #2011-001968

After careful consideration of the information provided, a motion was made, seconded, and carried to refer to Executive Session for potential disciplinary action. Upon returning to Open Session a motion was made, seconded, and carried: regarding case 2011-001968, Douglas Ikeler, the Board found reasonable and objective grounds to believe, upon full investigation, that the public health, safety or welfare imperatively requires emergency action, as well as that a willful violation of a Board order, in particular, a

stipulation in Case No. 2005-001344, incorporates the findings in its order, and unanimously moved to summarily suspend the license of Dr. Ikeler, cease and desist the practice of veterinary medicine at the Aurora Cats Vet Clinic, and refer the case for discipline. Another motion was also made, seconded, and carried to refer the case to PACFA. A final motion was made, seconded, and carried to contact Animal Control in order to conduct a safety /welfare check on the numerous cats reported at the clinic.

Peggy Cruder, unlicensed

Case #2011-004059

A motion was made, seconded and carried to issue a Cease and Desist against the owner of the Aurora Cats Vet Clinic to stop practicing veterinary medicine.

VII. UNFINISHED BUSINESS

United States Animal Health Association, 2010 Resolution 11
Board noted.

VIII. NEW BUSINESS

AAVSB call for Resolutions
Board noted.

CVMA Convention speaker request
Board noted. Richard Leone, Kim Stone, Kristin Woestehoff, and Stacy Worthington volunteered to present at the CVMA Convention in September.

IX. INITIAL REVIEW

AGENDA ITEM #1 Barbara Page, DVM # 3046 Case #2011-002680
After careful consideration of the information provided, a motion was made, seconded, and carried to dismiss the case as being without merit.

AGENDA ITEM #2 Rick Heller, DVM # 4702 Case #2011-002646
After careful consideration of the information provided, a motion was made, seconded, and carried to table pending receipt of additional information.

AGENDA ITEM #3 Abby Obermiller, DVM # 8955 Case #2011-002602
After careful consideration of the information provided, a motion was made, seconded, and carried to refer to Executive Session for potential disciplinary action.

AGENDA ITEM #4 Helene Poticha, DVM # 7353 Case #2011-003010
After careful consideration of the information provided, a motion was made, seconded, and carried to dismiss the case as being without merit.

AGENDA ITEM #5 Deane Simonton, DVM # 4162 Case #2011-002575
After careful consideration of the information provided, a motion was made, seconded, and carried to refer to Executive Session for potential disciplinary action. Upon returning to Open Session, a motion was made, seconded, and carried to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

AGENDA ITEM #6 Scott Robinette, DVM # 6169 Case #2011-003076
After careful consideration of the information provided, a motion was made, seconded, and carried to refer to Executive Session for potential disciplinary action. Upon returning to Open Session, a motion was made, seconded, and carried to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

AGENDA ITEM #7 Christina Tinetti, DVM # 9263 Case #2011-002699

After careful consideration of the information provided, a motion was made, seconded, and carried to refer to Executive Session for potential disciplinary action. Upon returning to Open Session, a motion was made, seconded, and carried to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

AGENDA ITEM #8 Jeffrey Young, DVM # 5112 Case #2011-002700

After careful consideration of the information provided, a motion was made, seconded, and carried to dismiss the case as being without merit. A motion was then made, seconded, and carried to void the case number.

X. STIPULATIONS

Open Stipulations Report -- Abigail Gaskins, Compliance Monitor
March 22, 2011
Board noted.

Lee Bregitzer, DVM #2082 See Memos #1 and #2
Case #2009-001760

After careful consideration of the information provided, a motion was made, seconded, and carried to accept the third and fourth practice monitor reports.

Mark Cochran, DVM #3252

Case #2010-002365 See Memos #1, #2, and #3

After careful consideration of the information provided, a motion was made, seconded, and carried to accept the second, third, and fourth practice monitor reports.

Douglas Ikeler, DVM #4942

Case #2005-001344

After careful consideration of the information provided, a motion was made, seconded, and carried to deny the quarterly report for November, December, 2010 and January 2011. A second motion was made, seconded, and carried to reject the request for termination of probation and closure of the disciplinary case.

Kevin Toman, DVM #6308

Case #2005-004775

After careful consideration of the information provided, a motion was made, seconded, and carried to deny the request for termination of probation. Richard Leone opposed.

XI. ADJOURNMENT - OPEN SESSION

Michael Gotchey, DVM, Board President, called for a motion on April 14, 2011, at 2:28 p.m. that the Board of Veterinary Medicine enter into Executive Session for the purpose of discussing with counsel disputes that are the subject of pending or imminent court action, discussing specific claims or grievances, and receiving legal advice on specific legal questions, pursuant to Colorado Revised Statutes section 24-6-402 (3) (a) (II), including:

- The legal basis for potential disciplinary action, and, where warranted, recommended settlement guidance for matters discussed in open session today and referred to executive session.
- Case No. 2011-001968 and Case No. 2005-001344 Ikeler
- Case No. 2011-003076 Robinette
- Case No. 2011-002575 Simonton
- Application regarding Rachael Nichols
- Case No. 2011-002602 Abbey Obermiller
- Case No. 2011-002699 Christina Tinetti

- Settlement, counteroffers and other legal questions pertaining to open cases referred to the Expedited Settlement Program, including the case status report.
 - Case No. 2011-001259 Lori Resig
- Counteroffers, settlement issues and other legal questions pertaining to cases with the Attorney General's Office, including the case status report, to discuss with counsel.
 - Case No. 2010-003487 Faunt
 - Case No. 2010-003494 Killian
 - Case No. 2010-002152 Hyland
 - Case No. 2011-000133 McCluggage

XII. ADJOURNMENT FROM EXECUTIVE SESSION

Open session of the meeting for the Board of Veterinary Medicine adjourned at 2:28 p.m. The Board then entered into Executive Session at 2:28 p.m. and reconvened in Open Session at 4:14 p.m.

XIII. ADJORNMENT FROM OPEN SESSION

The final meeting adjournment was at 4:16 p.m. The Board will reconvene on Thursday, June 15, 2011, at One Civic Center Plaza, Room 1550, Denver, CO 80202, at approximately 8:30 a.m.

Attestation:

Pursuant to § 24-6-402(2)(d.5)(I)(B), C.R.S., as Board President, I attest that the Executive Session of the Colorado State Board of Veterinary Medicine meeting held on February 4, 2010 was confined to the topics authorized for discussion pursuant to § 24-6-402(3)(a)(II), (III), and (IV), C.R.S.

Approved by

Richard T. Leone MD
Board President

Date

4/11/11